

**Planning Commission  
Technical Advisory Committee  
& Planning Commission**

**The Cliff Morton Development and Business Services Center  
1901 S. Alamo  
Board Room**

**February 11, 2008**

**11:30 A.M.**

**PRELIMINARY ITEMS**

1. 11:30 A.M. – Call to Order
2. Roll Call

**OTHER ITEMS**

3. Briefing and consideration of a request initiated by Councilmember Diane Cibrian, District 8, requesting a zoning amendment to the Unified Development Code regarding the minimum acreage requirement for MPCD (Master Planned Community District) zoning districts. (Development Services Department)
4. Briefing and consideration concerning amendments to the Unified Development Code (UDC): Article II. "Use Patterns," to add Section 35-209 related to "Form Based Development", and amending the Table of Contents, UDCII:1; and Article III. "Zoning," to add Section 35-357 pertaining to "Form Based Zoning District," and amending the Table of Contents, UDC III:2. (Department of Planning and Community Development)
5. Consideration of the minutes for the February 4, 2008 Planning Commission Technical Advisory Committee meeting.
6. Executive Session: consultation on attorney-client matters (real estate, litigation, contracts, personnel, and security matters) as well as any of the above agenda items may be discussed.
7. Questions and Discussion
8. **ADJOURNMENT**

For additional information concerning UDC amendments contact Trish Wallace at (210) 207-0217 [patricia.wallace@sanantonio.gov](mailto:patricia.wallace@sanantonio.gov), Richard L. Milk at (210) 207-5495 [richard.milk@sanantonio.gov](mailto:richard.milk@sanantonio.gov), Nina Nixon-Mendez at (210) 207-2893 [Nina.NixonMendez@sanantonio.gov](mailto:Nina.NixonMendez@sanantonio.gov), Christopher Looney at (210) 207-5889 [christopher.looney@sanantonio.gov](mailto:christopher.looney@sanantonio.gov). For information concerning the schedule or meeting location contact Donna Schueling at (210) 207-5016 or [donna.schueling@sanantonio.gov](mailto:donna.schueling@sanantonio.gov)

THE CLIFF MORTON DEVELOPMENT AND BUSINESS SERVICES (DBS) CENTER, LOCATED AT 1901 SOUTH ALAMO STREET IS WHEELCHAIR-ACCESSIBLE. ACCESSIBLE PARKING IS LOCATED AT THE FRONT OF THE BUILDING. AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST. INTERPRETERS FOR THE DEAF MUST BE REQUESTED AT LEAST 48 HOURS PRIOR TO THE MEETING BY CALLING (210) 207-7245 VOICE/TDD.

**Planning Commission  
Technical Advisory Committee  
& Planning Commission**

~ February 4, 2008 ~

**MINUTES**

**PRELIMINARY ITEMS**

1. 11:40 A.M. – Call to Order

2. Roll Call

<u>Members Present:</u>	<u>City Staff:</u>
Cecilia Garcia	Rod Sanchez, Director, DSD
Francine S. Romero	Fernando DeLeon, Assistant Director, DSD
John Friesenhahn	Elizabeth Carol, DSD
Ben Youngblood	Melissa Ramirez, DSD
Linda Holsonback	Thomas Carrasco, DSD
Ramon Ruiz	Juan Ramirez, DSD
Brad Peel	Pablo Martinez, DSD
Gene Dawson, Jr.	Debbie Reid, DSD
Erika Jucknies	Jasmin Moore, DSD
Susan Wright	Donna Schueling, DSD
Bob Liesman	Temple Kennedy, DSD
Mike Cude	Patrick Howard, Planning & Community Development
Jody Sherrill	Richard Milk, Planning & Community Development
	Trish Wallace, Planning & Community Development
<u>Members Absent:</u>	Lauren Edlund, Planning & Community Development
Steve Hanan	Susan Guinn, City Attorney's Office
Ann Van Pelt	Lori Houston, City Manager's Office
	David Clear, CMSA
<u>Others:</u>	Bob Browning, Public Works
Christina Castano-Perez, VIA	Christina De La Cruz, Public Works
Robin Stover, Brown, P.C.	Abigail Kinnison, Public Works
	Mark MacDonald, Public Works
	William Thorpe, Public Works

**OTHER ITEMS**

3. Questions and Discussion

Elizabeth Carol went over the items discussed in the previous TAC meeting.

4. Briefing and consideration concerning amendments to the Unified Development Code (UDC): Article II. "Use Patterns," to add Section 35-209 related to "Form Based Development", and amending the Table of Contents, UDCII:1; and Article III. "Zoning," to add Section 35-357 pertaining to "Form Based Zoning District," and amending the Table of Contents, UDC III:2. (Department of Planning and Community Development)

- Periods should be added after all sentences and listed items.

- It was recommended that all acreage notation be changed from 1/100<sup>th</sup> to 1/10<sup>th</sup> or not specified.
- The terms "Special District" and "Specialized District" are used interchangeably.
- Definitions are needed for new street classifications and other new terms (B-grids, cross block passage, etc.).
- 35-357(f)(2)(C) The applicant provides the location of Transect Zones with a GIS shapefile including X/Y coordinates and projections.
- 35-357(f)(2)(E) Conceptual and mandatory streets should be shown on Zoning Site Plan. DSD is working on language to clarify intent in regard to street requirements at Zoning Site Plan level.
- 35-357(f)(5) "city council" added to clarify approved Zoning Site Plan.
- 35-357(g)(1) There was discussion around the rationale for 15 working days for minor or major amendment response. What is the applicant remedy if the time period is exceeded? The application for an amendment should be submitted to the appropriate CRC member. This will be revisited in future discussion.
- 35-357(g)(2)(B) The intent of the term "future streets" was questioned.
- 35-357(h)(2)(B)(6) Change "public" to "civic."
- 35-357(h)(2)(F) Trees will be discussed in 35-209
- 35-357(k) DSD is working on language and researching intent of state law referenced.

**5. Consideration of the minutes for the January 16, 2008 Planning Commission Technical Advisory Committee meetings.**

Motion: Susan Wright to adopt the minutes from the January 16, 2008 meeting  
 Second: Jody Sherrill  
 In Favor: Unanimous  
 Opposed: None  
 Motion Passed

**6. Executive Session: consultation on attorney-client matters (real estate, litigation, contracts, personnel, and security matters) as well as any of the above agenda items may be discussed.**

The Planning Commission Technical Advisory Committee did not enter into Executive Session.

**7. Questions and Discussion**

The committee scheduled the next two Planning Commission Technical Advisory Committee meetings for Mondays, February 11, 2008 and February 25, 2008 11:30 a.m.-1:30 p.m.

The Planning and Community Development Department has indicated that they will be happy to meet with any TAC member regarding more information on Form Based Development. Contact Trish Wallace at [patricia.wallace@sanantonio.gov](mailto:patricia.wallace@sanantonio.gov).

**8. ADJOURNMENT, 1:25 P.M.**

**APPROVED:**

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Ms. Cecilia Garcia – Chairperson

**CITY OF SAN ANTONIO**  
**DEVELOPMENT SERVICES DEPARTMENT**  
**UDC Technical Advisory Committee**

**TO:** Members of the San Antonio UDC Technical Advisory Committee

**FROM:** Roderick J. Sanchez, AICP, CBO, Director

**SUBJECT:** Proposed zoning amendment to the UDC regarding the minimum acreage requirement for Master Planned Community Districts (MPCD)

**DATE:** February 11, 2008

**SUMMARY:**

Pursuant to direction by City Council, the Development Services Department has prepared an amendment to the Unified Development Code (UDC) pertaining to the minimum acreage required to zone and develop an MPCD (Master Planned Community District).

**BACKGROUND INFORMATION:**

In 2001, San Antonio's City Council adopted the current UDC which includes a zoning classification intended to encourage mixed use developments: MPCD (Master Planned Community District). This zoning classification offers opportunities to create areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building and circulation systems.

At the time of the adoption of the UDC, flexible mixed use developments were not common in San Antonio. It was thought at the time that a 100-acre minimum size requirement to request and develop an MPCD would be a good starting point for this new and beneficial style of development. Since adoption of the UDC in 2001, not many developers have taken advantage of these mixed use options. From requests and proposals that Staff has reviewed, it appears that the 100-acre minimum size requirement may be the primary reason.

In November of 2007, the Development Services Department received a Council Consideration Request (CCR) to amend the UDC by reducing the minimum acreage requirement from 100 acres to 25 acres. In December, the City Council Governance Committee considered this CCR and referred the issue to the City Council Infrastructure and Growth Committee following review and consideration by the Planning Commission and Zoning Commission.

**POLICY ANALYSIS AND RECOMMENDATION:**

As stated in the CCR, over the last six years, the MPCD zoning option has been utilized only a few times. Decreasing the minimum size requirement for MPCDs to 25 acres should promote more mixed use developments in San Antonio. Twenty-five acres is a reasonable number based

on zoning cases and projects Staff has reviewed and assisted applicants with. A reduction to 25 acres as a minimum would not negatively affect the compatibility standards, scale and clustering, open space, screening, or design requirements of the MPCD. All elements would continue to be illustrated on the site plan submitted with the request for zoning change and would be reviewed by the Zoning Commission and City Council in a public hearing.

Staff recommends approval.



**CITY OF SAN ANTONIO  
OFFICE OF THE CITY COUNCIL  
COUNCIL CONSIDERATION REQUEST**

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK  
07 NOV 14 AM 10:34

TO: Mayor & City Council

FROM: Councilwoman Diane Cibrian District 8

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Pat DiGiovanni, Deputy City Manager; Chris Callanen, Assistant to the City Council; Michael Bernard, City Attorney; Leticia Callanen, Special Projects Manager; Ramiro Gonzales, Special Projects Coordinator

SUBJECT: Proposed UDC Amendment- "MPCD" Master Planned Community District

DATE: November 6, 2007

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

Amending Section 35-345 "MPCD" Master Planned Community Districts Section (b) of the Unified Development Code. The amendment would change the requirement of an MPCD consisting of at least one hundred (100) contiguous acres to twenty five (25) contiguous acres.

Brief Background

The intent of MPCD district is to encourage the development of mixed use communities that provide internal connectivity and promote compatible land uses. Within the last six years the MPCD district has been applied a total of 4 times. It appears that the primary reason that the MPCD has not been used more frequently is because of the minimum acreage requirement, which is currently 100 acres.

Submitted for Council consideration  
by:

*Diane G. Cibrian* 8  
Councilwoman Diane Cibrian, District 8

Supporting Councilmembers' Signatures (4 only)

District No.

1. <i>Sheryl Sculley</i>	<u>2</u>
2. <i>Margaret Cisneros</i>	<u>1</u>
3. <i>Roland Gutierrez</i>	<u>3</u>
4. <i>[Signature]</i>	<u>9</u>

KENNETH W. BROWN, AICP  
DANIEL ORTIZ  
PATRICK W. CHRISTENSEN

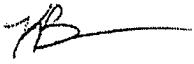
**BROWN, P.C.**

112 E. PECAN STREET  
SUITE 1400  
SAN ANTONIO, TEXAS 78205  
TELEPHONE: 210.299.3704  
FAX: 210.299.4731

PAUL M. JUAREZ  
OF COUNSEL

## MEMORANDUM

TO: Councilwoman Diane Cibrian

FROM: Ken Brown 

COPIES TO: Michael Shackelford

DATE: October 30, 2007

RE: Proposed UDC Amendment – "MPCD" Master Planned Community District

As you are aware the City hired a consultant to draft the Unified Development Code (UDC) in 2001. During this process the consultant did not propose a true "PUD" Planned Unit Development District ordinance, which would allow for mixed use projects, provide flexibility of development, and promote cluster developments. I, along with Laddie Denton and Rick Pierce (Centex Homes), worked on an ordinance with Emil Moncivais (Planning Director) to draft the "MPCD" Master Planned Community District. This section was inserted into the UDC and adopted by City Council with the help of Mr. Moncivais.

In a little over six years, the MPCD district has been applied approximately four times and all of these cases were initiated by Brown, P.C. It appears that the primary reason that this zoning district has not been used is because of the minimum acreage requirement, which is currently 100 acres. As you know, developers have started proposing Urban Village type projects that range from thirty to fifty acres in size. Developers of these "Urban Village Projects" have not been able to utilize the MPCD because of the minimum acreage requirement.

The intent of the MPCD district is to encourage the development of mixed use communities that provide internal connectivity and promote compatible land uses. The efficient arrangement of land uses and transportation systems allowed within the MPCD district also create an ideal mixed use community. Decreasing the minimum size requirement for this zoning district will promote more mixed use developments in San Antonio.

Therefore, we respectfully request that you direct staff to process an amendment to Section 35-345 "MPCD" Master Planned Community District in order to establish a minimum acreage of twenty-five acres. Should you have any questions, please do not hesitate to contact me.

**Sec. 35-345. "MPCD" Master Planned Community Districts.**

The master planned community district is a special district established to encourage the development of areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building and circulation systems.

**(a) Uses.**

(1) An "MPCD" may include both residential and commercial uses. In particular, all residential single-family (including gated communities) and multi-family uses; "O-1" and "O-2" office uses; and "NC", "C-1", "C-2", and "C-3" commercial uses as defined in this chapter, are specifically permitted in the "MPCD" zoning base district.

(2) In addition, business park uses shall be permitted in an "MPCD" zoning base district, subject to the performance standards established in subsection (l) of this section, as follows:

- Wholesaling,
- Research and development,
- Manufacturing,
- Processing,
- Fabrication, and assembly,
- Testing,
- Repair,
- Servicing,
- Storage,
- Laboratory,
- Warehousing,
- Displaying, or
- Distribution of goods, materials or products.

(3) Vehicular access to a business park use shall be permitted only from major thoroughfares as designated in the city's major thoroughfare plan.

(4) The location of all land use categories shall be designated on the "MPCD" site plan as residential (single-family), attached residential (multi-family), office, commercial or light industry.

**(b) Size.** An "MPCD" shall consist of at least one hundred (100) contiguous acres.**(c) Site Plan.**

(1) Simultaneous with the request for "MPCD" zoning, an "MPCD" site plan shall also be filed. An application for rezoning to an "MPCD" shall not be deemed complete unless accompanied by a proposed "MPCD" site plan. The "MPCD" site plan shall be governed by subsection 35-412(c), Completeness Review, and subsection 35-412(e), Approval Criteria, of this chapter. In addition to the applicable requirements of article V of this chapter, the "MPCD" site plan shall also be reviewed for compliance with the terms of this section.

(2) "MPCD" site plans shall be reviewed by the zoning commission and



approved by the city council concurrent with the application for rezoning to an "MPCD." The zoning ordinance shall provide that adherence to the "MPCD" site plan, or the amended "MPCD" site plan is required within the "MPCD" provided, however, that a rezoning shall not be required for the approval of a minor change to the "MPCD" site plan as defined in subsection (e)(3) of this section. The site plan shall include the proposed land uses by location, type (single-family, multi-family, office or commercial), density and size. Where single-family uses are designated, minimum lot size shall be included and major physical features such as easements, streams, floodplains, and significant vegetation shall be noted.

(3) If a master planned community is proposed outside of the city's zoning jurisdiction, but within the city's extraterritorial jurisdiction, then the property owner may submit a master site plan that conforms with the provisions contained within the section. In addition, the property owner upon submittal of the master site plan may designate such site plan as a master planned community site plan. If the property which is the subject of the master planned community site plan is subsequently annexed into the city's zoning jurisdiction, then the city shall initiate a rezoning application for the subject tract to rezone the property to "MPCD". The rezoning request and the previously approved master site plan with master planned community designation shall then be reviewed for approval pursuant to the procedures contained herein.

(d) Coordination with Independent School Districts. A copy of the site plan shall be provided to the independent school district or districts in which the "MPCD" is proposed to be located. The applicant shall coordinate with the independent school district(s) in order to address the educational needs that may arise with the development of the "MPCD."

(e) Amendments to "MPCD" Master Site Plan.

(1) Revisions to a previously approved "MPCD" master site plan shall be classified as minor or major changes. An application for a major or minor change to "MPCD" site plan shall be subject to subsection 35-412(c) completeness review provisions of this chapter. Within five (5) working days after filing the proposed revisions, required items and information, the director of planning shall provide a written response indicating whether or not the submitted revised "MPCD" site plan has been accepted as a minor or major revision. If it is determined by the director of planning that the revised submittal is considered a minor change then said submittal shall be processed by the director of planning and shall not require review by the zoning commission or approval by the city council. The applicant may appeal a conditional acceptance by the director of planning using the same process as the initial "MPCD" site plan submittal described in subsection (c) of this section. If it is determined by the director of planning that the proposed revision is a major change then said proposed major revisions shall be processed in the same manner as the initial "MPCD" site plan submittal described in subsection (c) of this section.

(2) A major amendment to an "MPCD" site plan shall include:

- A. Any increase in the total number of residential units for the entire "MPCD".
- B. Any increase in the total commercial acreage within the "MPCD".
- C. Any increase in the total industrial acreage within the "MPCD".
- D. Any increase in the cumulative traffic impacts of the entire "MPCD" upon outlying transportation infrastructure.
- E. Any increase in the total sewer capacity required for the "MPCD" as

measured in equivalent dwelling units.

F. Any increase in the total water capacity required for the "MPCD" as measured in equivalent dwelling units.

G. Any decrease above ten (10) percent in the total open space acreage within the "MPCD".

H. Any decrease in perimeter buffers between the "MPCD" and adjacent properties.

I. Any change in a proposed land use node from residential to an office, commercial or light industrial use, if the property where the proposed change is to occur abuts existing property in which the principal use is a single-family residence.

(3) Any other revision to an "MPCD" site plan not described in subsection (2), above, shall be deemed a minor change.

(f) Height and Yard Requirements.

(1) Height Limitation. The maximum height of structures shall be thirty-five (35) feet; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or setbacks if required, one (1) foot for each two (2) feet of height in excess of the thirty-five (35) feet. Distance credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or setbacks as applicable.

(2) Minimum Yard. Single-family lots shall comply with the lot requirements of the zoning base district that requires a minimum lot square footage that is less than or equal to the lot square footage shown on the "MPCD" site plan. Multi-family, office and commercial shall comply with the setback requirements of the International Building Code.

(3) Fences. Along collector and arterial streets, fences within an "MPCD" may extend to a height of eight (8) feet subject to the clear vision area requirements of subsection 35-505(f) of this chapter.

(g) Required Natural Buffer. Unless the perimeter of the "MPCD" is bound by a street or roadway, any property located on the boundary of the "MPCD" shall maintain a twenty-foot natural buffer (trees, grass or other vegetation) when:

- The "MPCD" property, used (or proposed for use) for other than single-family purposes, abuts property outside the "MPCD" that is used (or is vacant and zoned) for single-family purposes; or
- The "MPCD" property, used (or proposed for use) for single-family purposes, abuts property outside the "MPCD" that is used (or is vacant and zoned) for other than single-family purposes.

(h) Infrastructure Requirements.

(1) Streets and Sidewalks.

A. Streets within an "MPCD" may be public or private.

B. The entrance to private streets may provide control access by gates or other means permitted by this chapter (see subsection 35-505(s)).

C. Alternative street and sidewalk standards may be applied within an "MPCD." In order to be applicable to a particular "MPCD" the alternative street and sidewalk standards must be submitted as part of the "MPCD" site plan and the site plan must be approved by the city council. For

purposes of this subsection, an "alternative street and sidewalk standard" means a standard which varies from the requirements of subsection 35-505(d) of this chapter.

D. Whether public or private, streets and sidewalks shall conform to the transportation standards of this chapter, as applicable to streets, or alternative street and sidewalk standards" approved as part of an "MPCD" site plan.

(2) Utilities. All utility systems shall comply with the utilities standards (section 35-506) of this chapter.

(3) Easements. Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

(i) Open Space. Each "MPDC" plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Open space shall include yards, as well as any parks or open space areas which conform to the parks/open space standards of this chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half ( 1/2) of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity,

(1) Open Space Percentages. The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within a PUD by the gross site area. The land use category shall be determined by the base zoning district. For PUDs which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

TABLE INSET:

Land Use Category	Required Open Space (in percent)
Residential	35%
Nonresidential	20%

(2) Reduction in Open Space. At its discretion, the planning commission may approve a decrease in the amount of required open space when the "MPCD" plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

(j) Parking Requirements. Off-street parking and truck loading facilities shall be provided in accordance with parking standards of this chapter.

(k) Compatibility Standards.

(1) Applicability. This section applies to any use within an "MPCD" which abuts property on which a single-family residential use is located. In this section, a "single-family residential use" includes any single-family dwelling, duplex, triplex, fourplex, townhome, or residential condominium. The abutting property on which a "single-family residential use" which is established, or is to be used, as evidence by notation on the "MPCD" site plan, is referred to in this subsection (k)

as a "single-family area."

(2) Height Limitations. A structure subject to subsection (k)(1) of this section:

- A. Shall be located at least twenty-five (25) feet from a single-family area;
- B. Shall not exceed two (2) stories or thirty (30) feet in height if the structure is fifty (50) feet or less from a single-family area;
- C. May exceed two (2) stories or thirty (30) feet in height, but shall not exceed three (3) stories or forty (40) feet in height, if the structure is one hundred (100) feet or less from a single-family area.

(3) Increase in Height Limitations. The height of a structure subject to subsection (k)(1) of this section may increase by:

- A. One (1) foot for each foot of distance from property that triggers the compatibility standards if the structure is at least one hundred (100) feet but not more than three hundred (300) feet from an abutting tract which is used or is to be used, as evidenced by a notation on the "MPCD" site plan, for single-family residential purposes, and the increased height is permitted by in an "MPCD"; or
- B. One (1) foot for each four (4) feet of distance from property that triggers the compatibility standards if the structure is at least three hundred (300) feet, but not more than five hundred forty (540) feet, from property in an abutting tract which is being used or is to be used, as evidence by notation on the "MPCD" site plan, for single-family residential purposes; and the increased height is permitted by the applicable zoning district regulation.

(4) Scale and Clustering Requirements. The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:

- Avoiding the use of a continuous or unbroken wall plane; and
- Using an architectural feature or element that creates a variety of scale relationships, creates the appearance of a residential structure, or is consistent with the exterior form and materials of a structure on an adjoining property; and
- Using similar materials for all buildings within the designated land use category; and
- Using a design technique or element that creates a building scale which does not exceed single-family residential uses within the "MPCD", prevents the construction of a structure in close proximity to a single-family residence zoning district that is significantly more massive than a structure in a single-family residence zoning district; and allows the construction of a structure, including a multi-family structure, that exhibits a scale and massing that is consistent with a single-family residential use.

Except where the "MPCD" site plan specifically provides otherwise, the first block of buildings subject to this subsection must be clustered in a group that is not more than fifty (50) feet wide, as measured along the side of the buildings that are most parallel to the property line of the site. The depth of the first tier of buildings described under subsection (B) may not exceed:

- Two (2) units; or
- Sixty (60) feet.

A building must be at least ten (10) feet apart from another building, as measured from wall face to wall face.

(5) Screening Requirements. Buildings shall be screened from the view of adjacent property single-family land use category if the use for the building to be constructed is intended for off-street parking, the placement of mechanical equipment, storage, refuse collection or any business park use. A person may comply with this subsection by providing a yard, fence, berm, or vegetation. If a fence is provided, the height of the fence may not exceed six (6) feet, except as provided within this chapter. The owner must maintain a fence, berm, or vegetation provided under this section.

(6) Design Regulations.

A. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property which is being utilized for single-family residential purposes.

B. The noise level of mechanical equipment may not exceed seventy (70) db at the property line.

C. A permanently placed refuse receptacle, including a dumpster, shall not be located within twenty (20) feet of a single-family land use area.

D. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven (6) to a rise of twelve (12), may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.

E. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed fifty (50) feet or less from a single-family area.

(I) Business Park Uses Performance Standards. In addition to this section's compatibility standards, set out in subsection (k) immediately above, business park uses shall conform to performance standards as follows:

(1) Air Pollution. All uses within a business park district shall operate in compliance with the most current revision of the regulations of the Texas Air Control Board pertaining to the control of air pollution. The city hereby adopts by reference these regulations, a copy of which is on file in the offices of the city clerk and the planning department.

(2) Noise. All uses shall comply with the provisions of chapter 21, article III of the City Code, Noise, and shall not create a noise nuisance as defined in said article III of chapter 21.

(3) Glare and Heat. No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.

(4) Vibration. All machines shall be so mounted as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the business park district.

(5) Noxious Odors. The emission of any odors which are discernible without the aid of instruments shall be prohibited beyond the boundaries of the business park district.

(6) Toxic and Liquid Wastes. The discharge of any toxic or liquid waste material into any outdoor watercourse or drainageway shall be prohibited.

(7) Fire and Explosion. All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire fighting devices in accordance with the Uniform Fire Code as adopted by the city. The storage of petroleum and other flammable products is permitted only as an incidental use and is prohibited in aboveground tanks.

(8) Radioactivity. No operation shall cause radioactivity at any lot line in violation of the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20 of the Code of Federal Regulations, and all applicable regulations of the State of Texas.

(9) Electromagnetic Radiation. No operation shall be conducted which shall adversely effect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation.

(10) Outside Storage. Outside storage shall be enclosed within a solid masonry wall or solid heavy timber fence (two (2) inches thick or greater) so as to completely screen all operations conducted within such wall from observation outside the business park district. The wall shall be at least six (6) feet, but not more than twelve (12) feet in height. No storage shall be higher than the height of the screening which shall be maintained in a safe and sightly condition at all times.

(11) Other Structures. Structures other than buildings which are visible from view outside of the business park district shall be screened by plantings, landscaping, and/or a solid wall/fence at least six (6) feet in height.

Upon application for a certificate of occupancy for any use in a business park district, the director of development services may require such evidence as may be necessary to determine whether or not the proposed use will conform to the performance standards set forth above in this section. The director of development services shall provide verification of the proposed use(s) upon request from the director of development services.

(m) Rezoning of Property Within an "MPCD". No property within the boundaries of an "MPCD" may be rezoned unless and until the "MPCD" site plan is amended pursuant to the provisions contained herein. In particular, any such amendment or rezoning application must be justified in terms of impact to utility infrastructure, roadway infrastructure and goals and purposes of the original master planned community.

(n) Development of an "MPCD" Within the city's Extraterritorial Jurisdiction. An "MPCD" may be developed within the city's extraterritorial jurisdiction provided that the "MPCD" is developed pursuant to an approved master site plan as provided in section 35-412 of this chapter and the "MPCD" is designated as such on the master site plan. The permanent zoning of any "MPCD", that is initially located within the extraterritorial jurisdiction and later becomes part of an annexation, shall be consistent with the "MPCD" master plan governing the "MPCD" as provided in section 35-307 of this chapter.

(o) Copy of "MPCD" Shall be Made Available to the Public. The developer or landowner of an approved "MPCD" shall maintain a copy of the "MPCD" site plan within sales office (s) located within the "MPCD". The site plan shall be displayed in a prominent location within the office so that it is easily viewable by the public. In addition copies of the site plan shall be made available to members of the public upon request. This requirement shall continue until all single-family residential property within the "MPCD" is developed.

(p) Rights Granted or Recognized by V.T.C.A. Local Government Code Ch. 245 and Ordinance No. 86715 Shall Benefit an Approved "MPCD".

(1) It is hereby found and determined that V.T.C.A. Local Government Code Ch. 245 and City of San Antonio Ordinance No. 86715, passed and approved September 25, 1997 are applicable to an "MPCD" site plan which complies with this section. An "MPCD" site plan shall enjoy the protection afforded by the aforementioned provisions of state and municipal law any exception in such laws to zoning notwithstanding.

(2) In each instance when an "MPCD" site plan obtains final approval from city council the director of development services shall change the zoning records and maps in accordance with the provisions of the ordinance approving a master plan community.

(3) Thereafter, staff review of subdivision plat applications, building permit applications or other permit applications necessary for the development of the "MPCD" shall be reviewed in context of the "MPCD" site plan. Should there be a conflict between the requirements of the City Code (excluding the city building code) and the particular "MPCD" site plan as to landscaping, buffering, open space or any other matter addressed in the "MPCD" site plans, the "MPCD" site plan shall control.

(Ord. No. 95236 § 1) (Ord. No. 98697 § 1, 4 and 6)

**Proposed Amendment to the Unified Development Code**  
**(Chapter 35 of the City Code)**

**Sec. 35-345. "MPCD" Master Planned Community Districts**

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- (b) Size. An "MPCD" shall consist of at least ~~one hundred (100)~~twenty-five (25) contiguous acres.

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